



2:03 pm, 9/27/24

Margaret Botkins Clerk of Court

ORDER

Upon consideration of the Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act, the Court finds the Motion (Dkt. No. 16) should be GRANTED.

IT IS THEREFORE ORDERED that Plaintiff is awarded attorney fees in the amount of \$8,000.00 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, as the prevailing party herein, and court costs of \$405.00, which is to be paid from the Department of Justice's Judgment Fund, 28 U.S.C. § 2412, not agency funds. If Plaintiff's counsel is subsequently awarded any fees pursuant to 42 U.S.C. §406(b), she must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS FURTHER ORDERED that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (2) agrees to waive the requirements of the Anti-Assignment Act, the fees will be made payable to Plaintiff's attorney. However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the

remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorney at 521 Cedar Way, Suite 200, Oakmont, PA 15139.

IT IS SO ORDERED this 27th day of September, 2024.



Kelly H. Rankin
United States District Judge